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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,409	10/22/2001	Marco Cantu ¹	07040.0100	1782

7590

10/04/2004

Finnegan Henderson Farabow Garrett & Dunner
1300 I Street NW
Washington, DC 20005

EXAMINER

MAKI, STEVEN D

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/890,409

Applicant(s)

CANTU' ET AL.

Examiner

Steven D. Maki

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: new issues: see advisory action attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see advisory action attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 29-56.

Claim(s) withdrawn from consideration: _____

8. ☒ The drawing correction filed on 13 September 2004 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

advisory action attachment

new issues

The new issues are:

- (1) In claim 46, adding --the first transverse notches have a width between 2 mm and 7 mm--;
- (2) In claim 46, adding --the transverse grooves delimiting the blocks of the central rows have a width between 2 mm and 7 mm--;
- (3) changing dependency of claim 47 from "claim 38" to --claim 46--;
- (4) changing dependency of claim 48 from "claim 44" to --claim 46--;
- (5) changing dependency of claims 49 and 53-55 from "claim 29" to --claim 46--;
- (6) adding new claim 57 so as to depend on --claim 46--;
- (7) adding new claim 58 requiring --the first transverse notches have a width between 2 mm and 7 mm-- and --the transverse grooves delimiting the blocks of the central rows have a width between 2 mm and 7 mm--
- (8) on page 15 of the specification, adding "In other words, transversal notches 31 also have a width of between 2 mm and 7 mm and a depth of between 6 mm and 8 mm".

remarks

Applicant requests that the examiner expressly acknowledge applicant's claim to the benefit of the provisional application. In response, the examiner directs applicant's attention to the preliminary amendment filed 10-22-01 which states : "Applicants claim

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the benefit under 35 U.S.C. 119(e) based on prior-filed, copending provisional application No. 60/187,384, filed March 7, 2000".

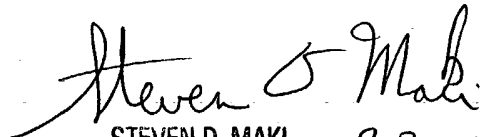
The amendment filed 9-13-04 fails to incorporate the allowable subject matter described in paragraph 12 of the last office action. The description of (a) the first transverse notches have a width between 2 mm and 7 mm and (b) the transverse grooves delimiting the blocks of the central rows have a width between 2 mm and 7 mm reads on the transverse notches having a width of 2 mm and the transverse grooves having a width of 7 mm *instead of* the first transverse notch and the transverse grooves delimiting the central blocks have substantially the same width.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven D. Maki
September 30, 2004


STEVEN D. MAKI
PRIMARY EXAMINER
~~GROUP 1300~~
AU 1733
9-30-04